



711/1-13  
2709/\$  
#13  
LDT  
4-15-03

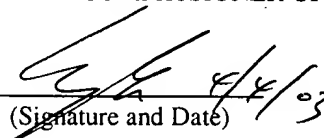
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF APPEALS**

APPLICANT : Kaushal Kurapati  
SERIAL NO. : 09/408,794 EXAMINER : Shabana Qureshi  
FILED : September 30, 1999 ART UNIT : 2155  
FOR : METHOD AND APPARATUS FOR REALIZING PERSONALIZED  
INFORMATION FROM MULTIPLE INFORMATION SOURCES

**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231 on April 4, 2003.

Steven Cha, Reg. No. 44,069  
((Name of Registered Rep.))

  
(Signature and Date)

**SUBMISSION OF APPEAL BRIEF**

**RECEIVED**

APR 14 2003

Technology Center 2100

ASSISTANT COMMISSIONER FOR PATENTS  
BOX APPEAL  
WASHINGTON, D.C. 20231

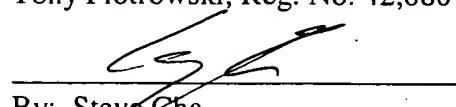
Sir:

Applicant hereby submits in triplicate copies of the Appeal Brief for the above referenced application, for which a Notice of Appeal was filed on April 4, 2003.

Enclosed is a check in the amount of \$320.00.

Please charge any additional fees or credit any overpayment to the undersigned firm's Deposit Account No. 502-470.

Respectfully submitted,  
Tony Piotrowski, Reg. No. 42,080

  
By: Steve Cha  
Attorney for Applicant(s)  
Registration No. 44,069

Date: April 4, 2003

Mail all correspondence to:  
Tony Piotrowski, Registration No. 42,080  
U.S PHILIPS CORPORATION  
580 White Plains Road  
Tarrytown, NY 10591  
Phone: (914) 333-9609  
Fax: (914) 332-0615

#13

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Before the Board of Patent Appeals and Interferences**

**In re the Application**

**Inventors** : Kaushal KURAPATI  
**Application No.** : 09/408,794  
**Filed** : September 30, 1999  
**For** : METHOD AND APPARATUS FOR REALZING  
PERSONALIZED INFORMATION FROM MULTIPLE  
INFORMATION SOURCES

**APPEAL BRIEF**

**On Appeal from Group Art Unit 2155**

**Tony Piotrowski**  
**Registration No. 42,080**

**By: Steve Cha**  
**Attorney for Appellant**

**US PHILIPS CORPORATION**  
**580 White Plains Road**  
**Tarrytown, NY 10591**  
**Phone: (914) 333-9609**  
**Fax: (914) 332-0615**

04/10/2003 YPOLITE1 00000105 09408794

01 FC:1402

320.00 OP

## TABLE OF CONTENTS

	<u>Page</u>
I. REAL PARTY IN INTEREST.....	3
II. RELATED APPEALS AND INTERFERENCES.....	3
III. STATUS OF CLAIMS.....	3
IV. STATUS OF AMENDMENTS.....	3
V. SUMMARY OF THE INVENTION.....	4
VI. ISSUES.....	5
VII. GROUPING OF CLAIMS.....	5
VIII. ARGUMENT.....	5-12
IX. CONCLUSION.....	13
X. APPENDIX: THE CLAIMS ON APPEAL.....	14-18

## TABLE OF CASES

<i>In re Royka</i> , 490 F.2d 981, 180 U.S.P.Q. 580 (1974) .....	6
<i>In re Mills</i> , 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) .....	6
<i>In re McLaughlin</i> , 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).	7
<i>In re Clapp</i> , 227 USPQ2d 972, 973 (Bd. Pat. App. & Inter. 1985).	7
<i>In re Ratti</i> , 270 F.2d 810, 123 USPQ 349 (CCPA 1959) .....	8
<i>In re Fritch</i> , 973 F.2d 1260,1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992).....	10-11
<i>In re Vaeck</i> , 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) ...	11
<i>In re Fine</i> , 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) .....	12

**I. REAL PARTY IN INTEREST**

The real party in interest is the assignee of the present application, Koninklike Philips Electronics, Eindhoven, Netherlands.

**II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

**III. STATUS OF CLAIMS**

Claims 1-21 have been presented for examination. All of these claims are pending, stand finally rejected, and form the subject matter of the present appeal.

**IV. STATUS OF AMENDMENTS**

The amendment filed August 12, 2002 has been entered in the record, and in the opinion of the Examiner, did not place the application in condition for allowance. Applicants have submitted concurrently herewith an Amendment After Final Rejection solely for the purpose of removing an informality with regard to claim 18. The Appendix shows claim 18 with this informality corrected, so as not to burden the Board of Appeals and Interferences with a *sua sponte* rejection under 35 U.S.C. §112, thereby placing the claims in better form for appeal.

**V. SUMMARY OF THE INVENTION**

The claimed invention is a method, apparatus and computer program product that allows the realization of personalized information for a user from multiple sources and creates a virtual media library of this personalized information that can not only be prompted to the user, but can be viewed by the user for selections.

A method of realizing personalized information for a user from personal sources, as recited in claim 1, includes establishing a user profile based on the various interests of the user (Fig. 5A, step 414, specification page ), establishing a virtual unified space including a library (step 416, Fig. 5A), populating the virtual library with a plurality of different virtual media collections in accordance with the user profile (step 422) and browsing the virtual library by moving between the plurality of different media collections under user control (step 432).

A receiver apparatus for obtaining content from multiple information sources for viewing a viewer comprises an adaptive user profile database 328 (Fig. 4, specification at page 16, line 18), a filter 326 being coupled to the adaptive user profile database, the filter in turn being coupled an I/O controller 324 that includes an Internet connection 324, a video output 332 and a selector input 334. A means for displaying 320 a virtual unified space including a virtual library (Fig. 1) through the video input 332, and a means for browsing 332 the virtual library in accordance with the selector input 334 (page 12, line 9 to page 21, line 20) are also provided.

A computer program according to the present invention comprises a computer readable medium having program logic recorded thereon for enabling a computer-enabled apparatus to display personalized information for a user from multiple information sources, including software means for establishing a user profile based on the various interests of the user, means for establishing a virtual unified space including a virtual library, means for populating the virtual library with a plurality of different virtual media collections in accordance with the user profile; and means for browsing the virtual library by moving between the plurality of different media collections under user control. Fig. 5 and the specification at least at page 21, line 21, to page 25, line 17 provides support for this group of claims.

## VI. ISSUES

1. Whether claims 1-21 stand properly rejected under 35 U.S.C. §103(a) as allegedly being obvious over Rapaport et al. (U.S. 5,890,152 hereafter "Rapaport").

## VII. GROUPING OF CLAIMS

It is respectfully submitted that claims 1-14, which are directed to a method for realizing personalized information for a user from multiple information sources, stand or fall together. In addition, claims 15 to 18, which are directed to a receiver apparatus, stand or fall together. Claims 19-21, which are directed to a computer program for enabling a computer apparatus to display personalized information, are all directed to variations of the claimed invention that also should be judged on an independent basis for patentability.

## VIII. ARGUMENT

### 35 U.S.C. §103 Rejection of claims 1-21 over Rapaport :

It is respectfully submitted that claims 1-21 would not have been obvious to a person of ordinary skill in the art at the time of invention in view of Rapaport. Applicant respectfully submits that proper *prima facie* case of obviousness has not been set forth by the U.S.P.T.O. in accordance with 35 U.S.C. §103(a), for reasons to be discussed, *infra*.

Rapaport discloses a personal feedback browser for obtaining media files from the Internet. The Personal Profile database includes objects that represent interests, attitude/aptitude, tastes and reading comprehension of a user. Rapaport discloses building a user profile based on a user's obtaining information from the Internet. A personal feedback browser is then created based on input from a search engine.

Rapaport, as admitted in the Final Office Action, is silent with regard to a virtual library, and fails, of course, to disclose that the library may be browsed by moving between different media collections.

Applicants respectfully, but strongly disagree that a person of ordinary skill in the art would have found it obvious to include at least several of the above features to be an obvious modification/variation of Rapaport.

It is respectfully submitted that the response in the Final Office Action that the claiming of a virtual library "is an obvious variation that equally results in the user easily retrieving desired media data" is being gleaned from Applicant's invention, not from any knowledge of persons of skill in the art finding suggestion from the teachings of Rapaport.

Applicant notes that the Final Office Action is inconsistent with several holdings of the Court of Appeals for the Federal Circuit, its predecessor CCPA, and the Board of Patent Appeals and Interferences.

First, the CCPA held in the case of *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (1974) that in order to establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Rapaport reference fails to provide or suggest all the claim limitations recited by the instantly claimed invention.

Second, the case of *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) held that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In the present case, Rapaport in view of the art would have failed to make any such suggestion to a person of ordinary skill in the art at the time of invention without having knowledge of the Applicant's claimed invention.

Third, while Applicant acknowledges that to some degree that all obviousness determinations include some degree of hindsight, the degree of "hindsight" alleged in the Final Rejection is inconsistent with the holding of *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971), which held in regard to hindsight that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

However, the rejection in the Final Office Action is not hindsight but more a reiteration of the Applicant's claimed invention, without any substantiation as to why an artisan would have found the instant claims to be obvious.

Fourth, the case of *In re Clapp*, 227 USPQ2d 972, 973 (Bd. Pat. App. & Inter. 1985) held that:

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

The Examiner's assertion that a virtual library is an obvious variant of an Internet search engine that attempts to expand text-only searches to include sounds and sight is a conclusory statement that is not factually supported. A meta-browser, which has been invented by the Applicant and is the subject of the instant application, is not an obvious variant of a browser, nor are the steps regarding the creation and browsing of a virtual library.



Fifth, MPEP 2143.02 states that the proposed modification cannot change the principle of operation of a reference. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious (*In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Applicants claimed invention is a *meta-browser* that creates a virtual library based on a variety of sources and constantly updates the virtual library dependent on the actions of the user.

In contrast, Rapaport discloses an Internet based feedback system that updates a standard Internet search engine to include sounds and visual items in the search and retrieval process, and then builds a user profile based on searches and selections. Rapaport being modified as allegedly “suggested” so as to make the instant claims obvious, would change its principle of operation. Rapaport would no longer be an Internet based search engine and user feedback browser that took into account two more senses (visual and sound) than prior art Internet based search engines, it would work in a completely different fashion, with a multitude of sources, the creation of a virtual library and ability to browse the virtual library, in essence rendering it to be a different invention than its disclosed principles of operation.

Applicant respectfully submits that Rapaport does not disclose, suggest, or motivate an artisan to use a variety of sources as instantly claimed. The so-called variety of sources is from the Internet, which is but one resource of the instantly claimed invention.

For example, as shown in Fig. 1 of the instant invention, there are community events, television, movies, music and books, just to name a few of the many possible categories. Instead of provide a feedback browser, as in Rapaport, Applicant’s

claimed invention is a *meta*-browser, including the method, apparatus and computer program related to same. Said meta-browser presents collections of information from multiple sources of different media types in a single browsing space. A user's experience is enhanced by the ability of the meta-browser to reach across multiple media types with just a single search query, and can be enhanced by user profiles and collaborative filtering. Thus, for example, not only can the instantly claimed meta-browser provide information about a television program, it can also search an electronic programming guide and tell the user when the program will be aired in the user's area, and on what channel. Furthermore, if an actor from the show is making a community appearance for a charity, this information can be retrieved from the community events and included as part of any feedback. The meta-browser clearly is much more than a search engine of the Internet, (or other network) as disclosed by Rapaport, even without considering the virtual library.

In the instantly claimed invention, the meta-browser preferably monitors for data events even if the user engages in other activities such as watching television or listening to music (e.g. "populating the virtual unified space with a plurality of different virtual media collections...."). Rapaport also fails to make such disclosure, teaching, or provide suggestion or motivation such that an artisan would have found this recited step to be obvious.

Rapaport is completely silent regarding the idea of building a virtual library based on user profiles, thus it is equally silent with regard to establishing and populating a virtual library, or browsing the virtual library, as recited in claim 1. Nor does Rapaport suggest the means for displaying a unified space including a virtual library, or the means for populating and browsing same, as recited by instant claim 15. Finally, Rapaport is equally silent with regard to a computer program on a

computer readable medium that causes a computer controlled apparatus to execute these steps.

The virtual library permits threading through several stack and/or floors of the virtual library, and provides searching with just the click of a mouse. The lengthy patent disclosed by Rapaport fails to make any such disclosure, teaching, or suggestion, because a virtual library was not contemplated by the inventor. The invention is concerned primarily with text-based search engines that include video and sound, and even discloses an embodiment where sounds files are translated to text files. Rapaport teaches that "current search engines only examine text data and ignore other media types such as sound and video files that contain voice information" col. 1, lines 46-48. Rapaport further discloses that the "reason or motivation for searching the internet should be used in searching for information" (col. 2. lines 20-23), but that search is confined to the Internet. As Rapaport actually goes through the steps of how to convert a sound into text to help improve what is still a text-based search engine, Applicants note that the silence regarding a visual virtual library speaks volumes about what the reference *does not suggest* to a person of ordinary skill in the art.

The virtual library of the claimed invention, which is created of user profile information, provides a user with an ability to search for information outside the scope of the Internet, and then retrieve, and search and/or browse the virtual library, rather than just by a text-based search engine. The virtual library is thus updated even as the user is performing something other than searches because the receiver 320 is coupled to a variety of media collections that are being constantly monitored.

Furthermore, Applicant respectfully submits that the case of *In re Fritch* also provides another appropriate holding by which the instant Appeal should be judged, said case holding that:

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

*In re Fritch*, 973, F.2d 1260,1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992). Here, the Final Office Action has not set forth a *prima facie* case of obviousness, as the suggested desirability of providing a meta-browser that creates a virtual library based on user profiles that can be viewed at least in the format as instantly claimed is lacking suggestion from the Rapaport reference; nor did such common knowledge exist in the art at the time of the invention such that the instant claims would have been obvious to a persons of ordinary skill.

Finally, it is respectfully submitted that it was held by *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) that in order to establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings.

Second, there must be a reasonable expectation of success.

Third, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on Applicant's disclosure.

In the instant case, Applicants respectfully submit that none of the three basic criteria have been met, thus a *prima facie* case of obviousness has not been set forth.

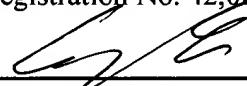
For all of the foregoing reasons, Applicants respectfully request that the Honorable Board reverse the rejection of claims 1-21 under 35 U.S.C. §103(a) over the Rapaport reference. Applicants note that all of the claims dependent from one of base claims 1, 15 and 19 are allowable at least for dependence upon what are believed to be allowable base claims, without even contemplating the merits of the dependent claims, as it was held by *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) that if an independent claim is non-obvious under 35 U.S.C. §103(a), then any claim depending therefrom is non-obvious.

**X. CONCLUSION**

Based on the law and the facts presented above, it is respectfully submitted that claims 1-21 are allowable in view of the applied Rapaport reference. It is respectfully requested that this Honorable Board reverse all grounds of rejection stated in the Final Office Action dated November 4, 2002.

Respectfully submitted,  
Tony Piotrowski  
Registration No. 42,080

Date: April 4, 2003

  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

SSC/sg

Mail all correspondence to:

Daniel Piotrowski, Registration No. 42,079  
US PHILIPS CORPORATION  
580 White Plains Road  
Tarrytown, NY 10591  
Phone: (914) 333-9609  
Fax: (914) 332-0615

**X. APPENDIX: THE CLAIMS ON APPEAL**

1. A method of realizing personalized information for a user from multiple information sources, comprising:

establishing a user profile for the user based on various interests of the user;

establishing a virtual unified space including a virtual library;

populating the virtual library with a plurality of different virtual media collections in accordance with the user profile; and

browsing the virtual library by moving between the plurality of different media collections under user control.

2. A method as in claim 1 wherein the virtual library comprises a plurality of floors.

3. A method as in claim 1 wherein the virtual unified space comprises a floor of a virtual library.

4. A method as in claim 1 wherein the user profile establishing step comprises loading from memory a previously created user profile.

5. A method as in claim 1 wherein the user profile establishing step comprises:

presenting a variety of questions to the user about the user's interests, and

creating a user profile based on the user's answer to the questions.

6. A method as in claim 1 wherein the populating step comprises:
  - acquiring information items from a plurality of information sources of different media type in accordance with the user profile; and
  - placing the information items into the virtual multiple media collections based on their respective information sources.
  
7. A method as in claim 1 wherein the populating step comprises:
  - comparing the user profile with a collective profile database to establish a similar collective profile;
  - acquiring information items from a plurality of information sources of different media type in accordance with the collective profile; and
  - placing the information items into the virtual multiple media collections based on their respective information sources.
  
8. A method as in claim 7 further comprising:
  - identifying a selection of at least one of the information items by the user from one of the media collections; and
  - updating the user profile in accordance with the identifying step.
  
9. A method as in claim 1 wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising:
  - identifying a selection of at least one of information items by the user from one of the media collections; and
  - updating the user profile in accordance with the identifying step.



10. A method as in claim 1 further comprising augmenting the user profile in accordance with a collaborative data base.

11. A method as in claim 1 further comprising:  
searching the virtual unified space with a search engine under user control;  
and  
updating the user profile in accordance with the searching step.

12. A method as in claim 11 further comprising storing results of the searching step as media collections in the unified space for browsing by the user.

13. A method as in claim 12 further comprising filtering results of the searching step in accordance with the user profile.

14. A method as in claim 13 further comprising prioritizing results of the searching step in accordance with the user profile.

15. A receiver apparatus for obtaining content from multiple information sources for viewing a viewer, comprising:

an input/output ("I/O") controller including an Internet connection input, a video output, and a selector input;

a filter coupled to the adaptive user profile database, the filter being coupled to the I/O controller for filtering information from the Internet connection input in accordance with the adaptive user profile database;

means for displaying a virtual unified space including a virtual library through the video input;

means for populating the virtual library with virtual multiple media connections using the filtered information from the implicit filter; and

means for browsing the virtual library by moving between multiple media connections in accordance with the selector input.

16. A receiver apparatus as in claim 15 wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising:

means for identifying items by the user from one of the media collections; and

means for updating the adaptive user profile database in accordance with the identifying step.

17. A receiver apparatus as in claim 16 further comprising means for augmenting the adaptive user profile database in accordance with a collaborative data base.

18. A receiver apparatus as in claim 17 wherein the I/O controller further comprises an input for receiving television programs, including additional information through the television program and electronic program guide information, the filter being coupled to the I/O controller for filtering information from the television program input in accordance with the adaptive user profile database.

19. A computer program product comprising a computer readable medium having program logic recorded thereon for enabling a computer-enabled apparatus to display personalized information for a user from multiple information sources, comprising:

means for establishing a user profile for the user based on various interests of the user;

means for establishing a virtual unified space including a virtual library;

means for populating the virtual library with a plurality of different virtual media collections in accordance with the user profile; and

means for browsing the virtual library by moving between the plurality of different media collections under user control.

20. A computer program product as in claim 19 wherein the media collections comprises respective pluralities of similarly classifiable information items, further comprising:

means for identifying a selection of one of the information items by the user from one of the media collections; and

means for updating the user profile in accordance with the identifying step.

21. A computer program product as in claim 20 further comprising means for augmenting the user profile with reference to a collaborative data base.